

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: NINE WEST LBO SECURITIES	:	20-MD-2941 (JSR)
LITIGATION	:	
	:	
Pertains to All Associated Actions	:	<u>ORDER</u>
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JED S. RAKOFF, U.S.D.J.

Pursuant to the order of the MDL Panel dated June 2, 2020, see MDL No. 2941, ECF No. 196, the following 13 cases are hereby consolidated for all pre-trial purposes before the undersigned. See Kirschner, et al. v. McClain, et al., No. 20-cv-4262 (JSR) (S.D.N.Y.); Kirschner v. Cade, et al., No. 20-cv-4265 (JSR) (S.D.N.Y.); Wilmington Savings Fund Society, FSB v. Cade, et al., No. 20-cv-4267 (JSR) (S.D.N.Y.); Kirschner v. Dickson, et al. (S.D.N.Y. docket to be created) (transferred from C.A. No. 2:20-01480 (C.D. Cal.)); Wilmington Savings Fund Society, FSB v. Dickson, et al. (S.D.N.Y. docket to be created) (transferred from C.A. No. 2:20-01484 (C.D. Cal.)); Kirschner, et al. v. Los Angeles Capital Management and Equity Research Inc., et al. (S.D.N.Y. docket to be created) (transferred from C.A. No. 2:20-01922 (C.D. Cal.)); Kirschner v. Georgiadis, et al. (S.D.N.Y. docket to be created) (transferred from C.A. No. 1:20-01129 (N.D. Ill.)); Wilmington Savings Fund Society, FSB v. Georgiadis, et al. (S.D.N.Y. docket to be created) (transferred

from C.A. No. 1:20-01136 (N.D. Ill.)); Wilmington Savings Fund Society, FSB v. Card, et al. (S.D.N.Y. docket to be created) (transferred from C.A. No. 1:20-10286 (D. Mass.)); Kirschner v. Card, et al. (S.D.N.Y. docket to be created) (transferred from C.A. No. 1:20-10288 (D. Mass.)); Kirschner v. Card, et al. (S.D.N.Y. docket to be created) (transferred from C.A. No. 1:20-10396 (D. Mass.)); Wilmington Savings Fund Society, FSB, as Successor Indenture Trustee for the 6.875% Senior Notes due 2019, the 8.25% Senior Notes due 2019, and the 6.125% Senior Notes due 2034 of Nine v. Card, et al. (S.D.N.Y. docket to be created) (transferred from C.A. No. 1:20-10398 (D. Mass.)); Kirschner, et al. v. DFA Investment Dimensions Group, Inc. US Core Equity 1 Portfolio, et al. (S.D.N.Y. docket to be created) (transferred from C.A. No. 3:20-00374 (N.D. Tex.)). Any future filings in these cases must be filed under the MDL caption as above, but, if they pertain only to individual cases as well, should so indicate in the caption (e.g., "Pertains to Kirschner, et al. v. McClain, et al., 20-cv-4262").

The Court will convene a telephonic conference on June 12, 2020 at 2:00 p.m. (EDT) to set a schedule for any and all

pretrial proceedings in these consolidated cases, with the following access information:<sup>1</sup>

- USA Toll-Free: (888) 363-4735
- USA Caller Paid/International Toll: (215) 446-3657
- Access Code: 1086415

Until that conference, all matters and proceedings in all these cases are stayed, but any counsel in any of these cases may, if they wish, file electronically with the Court such Status Reports as they deem relevant, apprising the Court of where each case stands and what counsel would like to have considered at the June 12 conference, provided such Status Reports are filed no later than June 10, 2020 at 5:00 p.m. (EDT). Counsel for the various plaintiffs and counsel for the various defendants should also confer prior to June 12 as to suggested arrangements for coordination of counsel and liaison with the Court.

SO ORDERED.

Dated: New York, NY  
June 4, 2020

  
JED S. RAKOFF, U.S.D.J.

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<sup>1</sup> Counsel for Kirschner, et al. v. Robeco Capital Growth Funds-Robeco BP US Premium Equities, C.A. No. 20-03168 (C.D. Cal.) and Kirschner, et al. v. Schwab Capital Trust, C.A. No. 20-03169 (C.D. Cal.) -- the two tag-along actions subject to the MDL Panel's conditional transfer order dated June 3, 2020, see MDL No. 2941, ECF No. 198 -- are encouraged to also join this conference, if they wish to be heard.